

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2007, I caused the attached **Notice of the Institutional Investor Group's Motion to Consolidate Actions, to be Appointed Lead Plaintiff and For Approval of its Selection of Lead Counsel, Memorandum of Law in Support of the Institutional Investor Group's Motion to Consolidate Actions, to be Appointed Lead Plaintiff and For Approval of its Selection of Lead Counsel, Rule 7.1 Disclosure Statement, and Declaration of Jay W. Eisenhofer and accompanying exhibits**, to be filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the Southern District of New York Local Rules, Southern District of New York Electronic Service, upon the following counsel:

David Avi Rosenfeld  
Samuel H. Rudman  
COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS, LLP  
58 South Service Road  
Suite 200  
Melville, NY 11747  
Telephone: (631) 367-7100  
Fax: (631) 367-1173

*Attorneys for Plaintiff Larry Freudenberg*

Evan J. Smith  
BRODSKY & SMITH, LLC  
240 Mineola Blvd  
Mineola, NY 11501  
Telephone: (516) 741-4977  
Fax: (516) 741-0626

Richard A. Maniskas  
D. Seamus Kaskela  
SCHIFFRIN BARROWAY TOPAZ &  
KESSLER LLP  
280 King of Prussia road  
Radnor, PA 19087  
Telephone: (610) 667-7706

*Attorneys for Plaintiff William Boston*

Howard G. Smith  
SMITH & SMITH  
3070 Bristol Pike  
Bensalem, PA 19020  
Telephone: (215) 638-4848

Lionel Z. Glancy  
Michael Goldberg  
LAW OFFICES OF LIONEL Z. GLANCY  
1801 Avenue of the Stars  
Suite 311  
Los Angeles, CA 90067  
Telephone: (310) 201-9150

*Attorneys for Plaintiff Robert D. Thulman*

Ira M. Press  
KIRBY MCINERNEY LLP  
830 Third Avenue  
10<sup>th</sup> Floor  
New York, NY 10022  
Telephone: (212) 371-6600  
Fax: (212) 751-2540

*Attorneys for Plaintiff Robert D. Thulman  
and Plaintiff Wendy M. Davidson*

Dustin Peter Mansoor  
James Stuart Notis  
GARDY & NOTIS LLP  
440 Sylvan Avenue  
Suite 110  
Englewood Cliffs, NJ 07632  
Telephone: (201) 567-7377  
Fax: (201) 567-7337  
*Attorneys for Plaintiff Joshua Ferenc*

I further certify that the foregoing papers were served via first class mail to the following  
counsel:

Dennis E. Glazer  
Nancy B. Ludmerer  
Edward N. Moss  
DAVIS POLK & WARDWELL  
450 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 450-4900  
Fax: (312) 527-0220

*Attorneys for Defendants E\*Trade Financial  
Corporation, Mitchell H. Caplan, and Robert  
J. Simmons*

/s/ Geoffrey C. Jarvis  
Geoffrey C. Jarvis (GJ-7040)